

REMARKS

Status of Application

Claims 1-38 are now pending in the present application. Applicants have amended Claims 1, 27, 28, and 36 to make it more apparent that these Claims distinguish over the art cited. Applicants also have amended Claims 14 and 20 to clarify antecedent bases. Applicants also have added new Claims 37 and 38 to present, in independent form, the recitation of Claims 2 and 3, to which the Examiner objected and indicated that the claims would be allowable if rewritten to include the recitation of the Claim from which each depends. In addition, the Examiner has allowed Claims 5-26. Applicants appreciate the Examiner's allowance of these Claims.

Claims rejected Under 35 U.S.C. § 102

The Examiner has rejected Claims 1, 4, 27-29, and 32-36 as unpatentable over U.S. Patent No. 5,751,286 to Barber et al. (hereinafter referred to as “Barber”). Applicants have amended independent Claims 1, 27, 28, and 36. For reasons further discussed below, applicants submit that the amended claims are allowable over the references cited. Moreover, Claim 4, which depends from Claim 1, and Claims 29 and 32-35, which depend from Claim 28, all add additional elements to what are allowable in the independent claims from which they depend and are also in condition for allowance. In the interest of reducing the complexity of the issues for the Examiner to consider in this response, the following discussion focuses on amended independent Claims 1, 27, 28, and 36. The patentability of each remaining dependent claim is not necessarily separately addressed in detail. However, applicants’ decision not to discuss the differences between the cited art and each dependent claim should not be considered as an admission that applicants concur with the Examiner’s conclusion that these dependent claims are not patentable over the disclosure in the cited references. Similarly, applicants’ decision not to discuss differences between the prior art and every claim element, or every comment made by the Examiner, should not be considered as an admission that applicants concur with the Examiner’s interpretation and assertions regarding those claims. Indeed, applicants believe that all of the dependent claims patentably distinguish over the references cited. Moreover, a specific traverse of the rejection of each dependent claim is not required, since dependent claims are patentable for at least the same reasons as the independent claims from which the dependent claims ultimately depend.

1 With regard to Claims 1, 4, 27-29, and 32-36, applicants have amended the claims to clarify
2 that the invention defined therein enables media clips to be searched and/or ranked according to a
3 stylistic identifier associated with each of the media clips. The stylistic identifier, as included in
4 allowed Claims 5-26 and as described in the specification, is distinct from characteristics used to
5 identify images in the applied reference. More specifically, as amended, Claim 1 describes
6 "association of a style identifier with each media clip being based upon an evaluation of the
7 characteristic quality of the media clip, an identical style identifier being associated with different
8 media clips that have been determined to have a common characteristic quality, but which do not
9 necessarily relate to a common subject or share a single quantifiable attribute."

10 By contrast, Barber discloses a system facilitating retrieval of images by allowing a user to
11 specify objective parameters such as subject, image color, image texture, or numbers of objects
12 included in the image. Thus, using the approach of Barber, a user may be able to indicate that the
13 user wishes to see images of "BEARS" and "WATER," using the color "RED," and including a
14 "GRASS" texture (see Column 5, Lines 5-35 in Barber). However, nowhere in Barber is a user
15 enabled to specify the type of stylistic identifier that should be applied to identify images, as recited
16 by applicants in Claim 1. For purposes of a non-limiting example, as described in the specification in
17 regard to TABLE 1, users of embodiments of the present invention may specify whether a desired
18 degree of abstraction of the media clips covering a wide range, including, for example: "Most
19 Abstract," "Stylized," "Cartoon," "Alphabets, Maps, and Signs," and "Realistic." Similarly, users of
20 embodiments of the present invention may specify a desired degree of pastel including, for example:
21 "Pastel," "Colorful," and "Black and White." By way of a further non-limiting example, as shown in
22 FIGURE 7, media clips associated with a particular stylistic identifier may represent different
23 concepts or subject matters, be presented in different colors, in different sizes, include different line
24 thicknesses, or be presented with any number of different attributes.

25 Therefore, because Barber neither teaches nor discloses being able to identify media clips
26 according to a stylistic identifier, applicants respectfully submit that Claim 1 is patentable over
27 Barber. Applicants have also amended Claims 27, 28, and 36 to expressly include "stylistic
28 identifiers." Thus, applicants submit that these claims also are patentable over Barber. Accordingly,
29 Claims 2-4, 29, and 32-35, which depend from these claims and add additional recitation, are also
30 patentable over Barber.

1 Claims rejected Under 35 U.S.C. § 103

2 The Examiner has rejected Claims 30-31 as unpatentable over Barber. However, because of
3 the amendments to Claim 27 from which Claims 30-31 depend, applicants submit that these claims
4 also are patentable over the reference cited. As noted above, Barber neither teaches nor suggests use
5 of a stylistic identifier in identifying media clips. Accordingly, for the reasons discussed above,
6 applicants respectfully submit that the rejection of Claims 30-31 under 35 U.S.C. § 103 should be
7 withdrawn because the reference neither teaches nor suggests the claimed invention.

8 Allowable Subject Matter

9 The Examiner objected to Claims 2 and 3 as being dependent upon a rejected base claim, but
10 indicated that these two claims would be allowable if rewritten in independent form to include the
11 limitations of the claims from which they respectively depend. Applicants have rewritten Claims 2
12 and 3 in independent form and present them as new Claims 37 and 38. Applicants, therefore, request
13 allowance of Claims 37 and 38, as agreed by the examiner. Further, the Examiner has allowed
14 Claims 5-26.

15 In view of the amendments and Remarks set forth above, it will be apparent that all claims in
16 this application define a novel and non-obvious invention, and that the application is in condition for
17 allowance and should be passed to issue without further delay. Should any further questions remain,
18 the Examiner is invited to telephone applicants' attorney at the number listed below.

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20 Respectfully submitted,

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25 FJB/RMA:lrg

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27 MAILING CERTIFICATE:

28 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed
envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents,
29 Alexandria, VA 22313-1450, on September 7, 2004.

30 Date: September 7, 2004

